

ORDINANCE #06-09-01

**AN ORDINANCE OF THE CITY OF JEWETT, LEON COUNTY, TEXAS
DECLARING THE OPERATION OF A COMPRESSION RELEASE TYPE
ENGINE BRAKE OR RETARDER WITHIN THE CITY TO BE A VIOLATION
AND SETTING PENALTIES FOR THE VIOLATION.**

WHEREAS the City Council of the City of Jewett has determined that the use of a compression release type Engine Brake of Retarder, also known as a "Jake Brake" or "Pac Brake" adversely affects the public health, safety and welfare of the residents of the City of Jewett, the City Council has declared the following:

SECTION 1. Title. This Ordinance shall be known as the "City of Jewett Engine Brake Ordinance."

SECTION 2. Definition. For the purpose of this Ordinance, the term "Engine Brake" shall mean any compression release type braking system or device on certain vehicles, including but not limited to, tractors, semi-trucks, motor carriers and buses that utilizes engine compression release or engine retarders as a means of slowing or braking the speed of the vehicle in lieu of, or in addition to, applying the clutch or brakes.

SECTION 3. Prohibited Acts. No gasoline or diesel powered motor vehicle shall be operated on the streets, roads, alleys or highways within the City of Jewett, Leon County, Texas, utilizing an Engine Brake, or any compression release type or engine retarder brake of same or similar type whatever it may be known as. Emergency Vehicles shall be exempt from this Section.

SECTION 4. Penalties. Any person, firm, corporation or organization violating the provisions of Section 3 of this Ordinance shall, upon conviction before a Municipal Justice having jurisdiction, be guilty of a summary offense and shall pay a fine of not less than \$ 150⁰⁰ nor more than \$ 500⁰⁰ plus costs of prosecution.

SECTION 5. Severability. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, invalid or otherwise unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall not be affected.

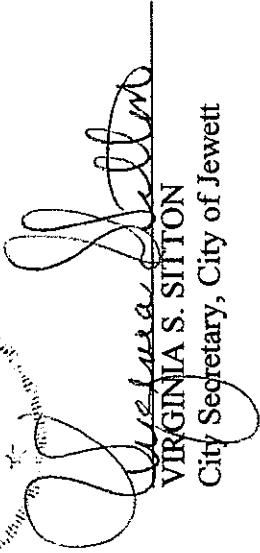
SECTION 6. Conflicts. Ordinance or part of an Ordinance conflicting with the terms of this Ordinance is hereby specifically repealed.

SECTION 7. Enactment. Whereas, it appears to be in the best interest of the peace, health, comfort and safety of the citizens of the City of Jewett, this Ordinance shall take effect on October 1, 2006.

PASSED AND APPROVED this the _____ day of _____ 2006.

APPROVED:




VIRGINIA S. SITTON
City Secretary, City of Jewett


JUDI KIRKPATRICK
Mayor, City of Jewett